

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DATA ENGINE TECHNOLOGIES LLC,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

C.A. No. 14-1115-LPS-CJB

JURY TRIAL DEMANDED

REDACTED

PUBLIC VERSION

DECLARATION OF JONATHAN K. WALDROP

I, Jonathan K. Waldrop, declare:

1. I am a partner with the law firm of Kasowitz, Benson, Torres & Friedman LLP and the attorney-in-charge for defendant Google Inc. ("Google") in this lawsuit. I have direct and personal knowledge of the facts stated in this declaration and, if called as a witness, could and would truthfully testify thereto. I make this declaration in support of Google's Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(1), Or, In The Alternative, To Join Borland Software Corporation ("Borland") and Acacia Research Group LLC ("Acacia") Pursuant To Federal Rule of Civil Procedure 19.

2. Attached hereto as **Exhibit 1** is a true and correct copy of [REDACTED]

3. Attached hereto as **Exhibit 2** is a true and correct copy of [REDACTED]

4. Attached hereto as **Exhibit 3** is a true and correct copy of [REDACTED]

5. Attached hereto as **Exhibit 4** is a true and correct copy of Google's First Set of Requests for Production of Documents to Data Engine, dated March 6, 2015.

6. Attached hereto as **Exhibit 5** is a true and correct copy of Google's First Set of Interrogatories to Data Engine, dated March 6, 2015.

7. Attached hereto is **Exhibit 6** is a true and correct copy of excerpts from Google's Second Subpoena to Acacia, dated December 8, 2015.

8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from Google's Subpoena to Borland, dated October 26, 2015.

9. Attached hereto as **Exhibit 8** is a true and correct copy of a letter from Susan Tran to Marcus Barber, dated March 1, 2016.

10. Attached hereto as **Exhibit 9** is a true and correct copy of a letter from Jonathan Waldrop to Alisa Lipski, dated March 4, 2016.

11. Attached hereto as **Exhibit 10** is a true and correct copy of a letter from Jamie Aycock to Jonathan Waldrop, dated March 17, 2016.

12. Attached hereto as **Exhibit 11** is a true and correct copy of a letter from Jonathan Waldrop to Data Engine, dated March 8, 2016.

13. Attached hereto as **Exhibit 12** is a true and correct copy of Data Engine's Second Supplemental Responses to Google's First Set of Interrogatories, dated June 1, 2016.

14. Attached hereto as **Exhibit 13** is a true and correct copy of a letter from Jonathan Waldrop to Alisa Lipski, dated March 4, 2016.

15. Attached hereto as **Exhibit 14** is a true and correct copy of a letter from Jamie Aycock to Jonathan Waldrop, dated March 17, 2016.

16. Attached hereto as **Exhibit 15** is a true and correct copy of Google's Notice of Deposition of Data Engine Pursuant to Federal Rule of Civil Procedure 30(b)(6), dated October 12, 2015.

17. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts from the deposition of Evan Williams in his capacity as Borland's corporate representative, dated April 6, 2016.

18. Attached hereto as **Exhibit 17** is a true and correct copy of excerpts from the deposition of Holly Hernandez in her capacity as Data Engine's corporate representative, dated April 26, 2016.

19. Attached hereto as **Exhibit 18** is a true and correct copy of excerpts from the rough transcript of the deposition of Holly Hernandez in her capacity as Acacia's corporate representative, dated June 23, 2016.

20. Attached hereto as **Exhibit 19** is a true and correct copy of excerpts from Google's discovery letter to the Court at Dkt. 210, dated June 13, 2016.

21. Attached hereto as **Exhibit 20** is a true and correct copy of the Court's Oral Order at Dkt. 214, dated June 20, 2016.

22. Attached hereto as **Exhibit 21** is a true and correct copy of an email from Darcy Jones to Data Engine, dated July 6, 2016.

23. Attached hereto as **Exhibit 22** is a true and correct copy of the production document bearing the Bates number DE000187550.

24. Attached hereto as **Exhibit 23** is a true and correct copy of Data Engine's Final Election of Asserted Claims, dated July 1, 2016.

25. Attached hereto as **Exhibit 24** is a true and correct copy of an Acacia presentation titled "2014 Analyst and Investor Day," available at <http://acaciaresearch.com/wp-content/uploads/2013/10/2014-Acacia-Research-Analyst-Day-Presentation-11-5-14.pdf>.

26. Attached hereto as **Exhibit 25** is a true and correct copy of an email from Marcus Barber to Susan Tran, dated June 20, 2016.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 8th day of July, 2016 in Redwood City, California.

/s/ Jonathan K. Waldrop

Jonathan K. Waldrop

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 8, 2016, I caused the foregoing to be electronically filed with the Clerk of Court using CM/ECF, which will send notification of such filing to all registered participants, and have sent true and correct copies by electronic mail to the following:

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